

103^D CONGRESS
2^D SESSION

H. R. 4882

To amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 1994

Mr. SWIFT introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Lead Exposure Reduction Act of 1994”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—LEAD ABATEMENT

Sec. 101. Findings and policy.

Sec. 102. Definitions.

Sec. 103. Restrictions on continuing uses of certain lead-containing products.

- Sec. 104. Inventory of lead-containing products and new use notification procedures.
- Sec. 105. Product labeling.
- Sec. 106. Batteries.
- Sec. 107. Lead in Used Oil.
- Sec. 110. Conforming amendments.
- Sec. 111. Amendment to table of contents.

TITLE II—MISCELLANEOUS

- Sec. 201. Non-interference.
- Sec. 202. Sense of the Congress concerning lead fishing sinkers.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

- Sec. 301. Authorization of appropriations.

1 (c) REFERENCE TO TOXIC SUBSTANCES CONTROL
 2 ACT.—Wherever in title I an amendment or repeal is ex-
 3 pressed in terms of an amendment to, or repeal of, a sec-
 4 tion or other provision, the reference shall be considered
 5 to be made to a section or other provision of the Toxic
 6 Substances Control Act (15 U.S.C. 2601 et seq.), except
 7 to the extent otherwise specifically provided.

8 **TITLE I—LEAD ABATEMENT**

9 **SEC. 101. FINDINGS AND POLICY.**

10 (a) REDESIGNATIONS.—Sections 401 and 402
 11 through 412 (15 U.S.C. 2681 and 2682 through 2692)
 12 are redesignated as sections 402, and 411 through 421,
 13 respectively.

14 (b) FINDINGS AND POLICY.—Title IV (15 U.S.C.
 15 2681 et seq.) is amended by inserting before section 402
 16 (as so redesignated) the following new section:

17 **“SEC. 401. FINDINGS AND POLICY.**

18 “(a) FINDINGS.—Congress finds that—

1 “(1) lead poisoning is the most prevalent dis-
2 ease of environmental origin among American chil-
3 dren today, and children under 7 years of age are
4 at special risk because of their susceptibility to the
5 potency of lead as a neurologic toxin;

6 “(2)(A) the effects of lead on children may in-
7 clude permanent and significant neurologic and
8 physiologic impairment; and

9 “(B) additional health effects occur in adults
10 exposed to similar exposure levels;

11 “(3) because of the practical difficulties of re-
12 moving lead already dispersed into the environment,
13 children and adults will continue to be exposed to
14 lead for years;

15 “(4) as a result of decades of highly dispersive
16 uses of lead in a variety of products, contamination
17 of the environment with unacceptable levels of lead
18 is widespread; and

19 “(5) the continued manufacture, processing,
20 use, and disposal of some lead-containing products
21 may cause further releases of lead into the environ-
22 ment, and the releases contribute to further environ-
23 mental contamination and resultant exposure to
24 lead.

1 “(b) POLICY.—It is the policy of the United States
2 that further releases of lead into the environment should
3 be minimized, and methods should be developed and imple-
4 mented to reduce sources of lead that result in adverse
5 human or environmental exposures.”.

6 **SEC. 102. DEFINITIONS.**

7 Section 402, as redesignated by section 101(a) of this
8 Act, is amended—

9 (1) by striking “For the purposes” and insert-
10 ing “(a) IN GENERAL.—Subject to subsection (b),
11 for the purposes”;

12 (2) by redesignating—

13 (A) paragraphs (13) through (17) as para-
14 graphs (18) through (22), respectively;

15 (B) paragraphs (5) through (12) as para-
16 graphs (7) through (14), respectively; and

17 (C) paragraph (4) as paragraph (5);

18 (3) by inserting after paragraph (3) the follow-
19 ing new paragraph:

20 “(4) DISTRIBUTOR.—The term ‘distributor’
21 means any individual, firm, corporation, or other en-
22 tity that distributes a product for resale.”;

23 (4) by inserting after paragraph (14) (as so re-
24 designated) the following new paragraphs:

1 “(15) PACKAGE.—The term ‘package’ means a
2 container that provides a means of marketing, pro-
3 tecting, or handling a product. The term includes a
4 unit package, an intermediate package, a crate, a
5 pail, a rigid foil, unsealed receptacle (such as a car-
6 rying case), a cup, tray, wrapper or wrapping film,
7 a bag, tub, shipping or other container, any package
8 included in the American Society for Testing and
9 Materials (referred to in this title as ‘ASTM’) Speci-
10 fication D–996, and such other packages as the Ad-
11 ministrator may specify by regulation.

12 “(16) PACKAGING COMPONENT.—The term
13 ‘packaging component’ means any individual assem-
14 bled part of a package (including any interior or ex-
15 terior blocking, bracing, cushioning, weatherproof-
16 ing, exterior strapping, coating, closure, ink, or
17 label). For the purposes of this title, tin-plated steel
18 that meets the ASTM Specification A–623 shall be
19 deemed an individual packaging component.

20 “(17) PERSON.—The term ‘person’ means an
21 individual, trust, firm, joint stock company, corpora-
22 tion (including a government corporation), partner-
23 ship, association, State, municipality, commission,
24 political subdivision of a State, or interstate body.

1 The term shall include each department, agency, or
2 instrumentality of the United States.”; and

3 (5) by adding at the end the following new sub-
4 section:

5 “(b) EXCEPTIONS.—As used in this title, the terms
6 ‘package’ and ‘packaging component’ shall not include—

7 “(1) ceramic ware or crystal;

8 “(2) a container used for radiation shielding;

9 “(3) any casing for a lead-acid battery;

10 “(4) steel strapping; or

11 “(5) any package or packaging component con-
12 taining lead that is regulated or subject to regula-
13 tion under the Federal Food, Drug, and Cosmetic
14 Act (21 U.S.C. 301 et seq.).”.

15 **SEC. 103. RESTRICTIONS ON CONTINUING USES OF CER-**
16 **TAIN LEAD-CONTAINING PRODUCTS.**

17 Title IV (15 U.S.C. 2681 et seq.), as amended by
18 section 101 of this Act, is further amended by inserting
19 after section 402, as redesignated by section 101(a) of this
20 Act, the following new section:

21 **“SEC. 403. RESTRICTIONS ON CONTINUING USES OF CER-**
22 **TAIN LEAD-CONTAINING PRODUCTS.**

23 “(a) GENERAL RESTRICTIONS.—

24 “(1) IN GENERAL.—

1 “(A) PROHIBITION ON THE PROCESSING
2 OF A PRODUCT.—Beginning on the date that is
3 1 year after the date of enactment of this sub-
4 section, no person may process a product in any
5 of the product categories described in para-
6 graph (2).

7 “(B) PROHIBITION ON THE DISTRIBUTION
8 IN COMMERCE OF A PRODUCT.—Beginning on
9 the date that is 2 years after the date of enact-
10 ment of this subsection, no person may distrib-
11 ute in commerce a product in any of the prod-
12 uct categories described in paragraph (2).

13 “(2) PRODUCT CATEGORIES.—The product cat-
14 egories described in this paragraph are as follows:

15 “(A) Paint containing more than 0.06 per-
16 cent lead by dry weight, other than—

17 “(i) corrosion inhibitive coatings, in-
18 cluding electrocoats and electrodeposition
19 primers, applied by original equipment
20 manufacturers to motor vehicle parts and
21 containing no more than 1.9 percent lead
22 by weight in dry film;

23 “(ii) certain paints and primers for
24 equipment used for agricultural, construc-

tion, and general industrial and forestry purposes;

“(iii) paints containing lead chromate pigments; and

“(iv) zinc-enriched industrial paint with respect to which the incidental presence of lead does not exceed 0.19 percent lead by dry weight.

“(B) Toys and recreational game pieces containing more than 0.1 percent lead by dry weight, except for toys and games with respect to which all lead is contained in electronic or electrical parts or components and that meet the standards and regulations for content, manufacture, processing, and distribution established by the Consumer Product Safety Commission under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.).

“(C) Curtain weights—

“(i) that are not encased in vinyl or plastic;

“(ii) that contain more than 0.1 percent lead by dry weight; and

“(iii) that are common in residential use.

1 “(D) Inks containing more than 0.1 per-
2 cent lead by dry weight used in printing news-
3 papers, newspaper supplements, or magazines
4 published more than once per month.

5 “(3) GLASS COATINGS.—

6 “(A) IN GENERAL.—Beginning on the date
7 that is 5 years after the date of enactment of
8 this subsection, no person may process a prod-
9 uct in any of the product categories described
10 in subparagraph (B), and beginning on the date
11 that is 6 years after the date of enactment of
12 this subsection, no person may distribute in
13 commerce a product in any of the product cat-
14 egories described in subparagraph (B).

15 “(B) PRODUCT CATEGORIES.—The prod-
16 uct categories described in this subparagraph
17 are as follows:

18 “(i) Architectural glass coatings con-
19 taining more than 0.06 percent lead by dry
20 weight.

21 “(ii) Automotive window coatings con-
22 taining more than 0.06 percent lead by dry
23 weight.

24 “(4) STATUTORY CONSTRUCTION.—Nothing in
25 this section shall prohibit the recycling of any prod-

1 uct listed in this subsection if, following the original
2 use of the product, the product is reused as a raw
3 material in the manufacture of any product that is
4 not listed under this subsection.

5 “(b) MODIFICATION OF RESTRICTIONS.—

6 “(1) IN GENERAL.—The Administrator may,
7 after public notice and opportunity for comment,
8 promulgate regulations to modify, pursuant to para-
9 graphs (2) and (3), the percentage of the allowable
10 lead content for a product, or a group of products,
11 within a product category described in subpara-
12 graphs (A) through (D) of subsection (a)(2) or sub-
13 section (a)(3)(B).

14 “(2) REDUCED PERCENTAGE.—The Adminis-
15 trator may, pursuant to paragraph (1), establish by
16 regulation a percentage by dry weight of the allow-
17 able lead content that is less than the percentage
18 specified under subsection (a) (including
19 nondetectable levels) for a product, or a group of
20 products, within any product category described in
21 subparagraphs (A) through (D) of subsection (a)(2)
22 or subsection (a)(3)(B) if the Administrator deter-
23 mines that a reduction in the percentage of the al-
24 lowable lead content is necessary to protect human
25 health or the environment.

1 “(3) INCREASED PERCENTAGE.—

2 “(A) IN GENERAL.—The Administrator
3 may, pursuant to paragraph (1), establish by
4 regulation a percentage by dry weight of the al-
5 lowable lead content that is greater than the
6 percentage specified under subsection (a) for a
7 product, or a group of products, within any
8 product category described in subparagraphs
9 (A) through (D) of subsection (a)(2) or sub-
10 section (a)(3)(B) if the Administrator deter-
11 mines that an increase in the percentage of the
12 allowable lead content will not adversely affect
13 human health or the environment.

14 “(B) REVIEW.—Not later than 2 years
15 prior to the termination date of a regulation
16 promulgated under paragraph (1) in accordance
17 with subparagraph (A), the Administrator shall
18 review the regulation. If the Administrator de-
19 termines, pursuant to subparagraph (A), that
20 the promulgation of a revised regulation is ap-
21 propriate, the Administrator, not later than 1
22 year prior to the termination date of the regula-
23 tion, may promulgate a revised regulation that
24 shall terminate on the date that is 6 years after
25 the date the revised regulation becomes final.

1 “(4) WAIVERS FOR TOYS AND RECREATIONAL
2 GAME PIECES.—Not later than 1 year after the date
3 of enactment of this subsection, the Administrator
4 shall promulgate regulations to waive the require-
5 ments of subsection (a)(2)(B) with respect to certain
6 toys and recreational game pieces that are collectible
7 items and scale models intended for adult acquisi-
8 tion.

9 “(5) EXEMPTION OF PAINTS.—

10 “(A) DETERMINATION.—

11 “(i) IN GENERAL.—Not later than 5
12 years after the date of enactment of this
13 subsection, the Administrator shall deter-
14 mine, following public notice and oppor-
15 tunity for comment, whether there is—

16 “(I) 1 (or more) primer paint
17 suitable for use as an electrocoat or
18 electrodeposition primer (or both) on
19 motor vehicle parts that contains less
20 than 1.9 percent lead by weight in dry
21 film;

22 “(II) 1 (or more) original equip-
23 ment manufacturer paint, primer, or
24 service paint or primer for mirror
25 manufacturing or for equipment used

1 for agricultural, construction, and
2 general industrial and forestry pur-
3 poses that, in the dry coating, has a
4 lead solubility of less than 60 milli-
5 grams per liter, as described in the
6 American National Standards Insti-
7 tute (referred to in this title as
8 ‘ANSI’) standard Z66.1;

9 “(III) 1 (or more) substitute for
10 paints containing lead chromate pig-
11 ments for use in any class or category
12 of uses that contains less than or
13 equal to 0.06 percent lead by weight
14 in dry film; or

15 “(IV) 1 (or more) substitute for
16 zinc-enriched industrial paint for use
17 in any class or category of uses that
18 contains less than 0.19 percent lead
19 by weight in dry film.

20 “(ii) ADDITIONAL DETERMINATION BY
21 ADMINISTRATOR.—The Administrator also
22 shall determine whether 1 (or more) paint
23 or primer referred to in clause (i)—

24 “(I) has substantially equivalent
25 corrosion inhibition and related per-

1 formance characteristics to any paint
2 or primer; and

3 “(II) does not pose a greater risk
4 to human health and the environment
5 than a paint or primer,
6 in use for the applicable purpose specified
7 in clause (i) on the date of enactment of
8 this subsection.

9 “(B) IDENTIFICATION.—If the Adminis-
10 trator determines pursuant to subparagraph
11 (A), that 1 (or more) of the paints and primers
12 referred to in subparagraph (A) meets the ap-
13 plicable specifications under such subparagraph,
14 the Administrator shall identify the lead con-
15 tent of the paint or primer of each applicable
16 category of paints or primers (or both) under
17 subclauses (I) through (IV) of subparagraph
18 (A)(i).

19 “(C) PROHIBITION ON PROCESSING.—For
20 a category of paints or primers (or both) re-
21 ferred to in subparagraph (B), beginning on the
22 date that is 3 years after the Administrator
23 makes a determination under subparagraph
24 (B), no person shall process any paint or prim-
25 er with a lead content that exceeds the level

1 identified by the Administrator pursuant to
2 subparagraph (B).

3 “(D) PROHIBITION ON DISTRIBUTION IN
4 COMMERCE.—For a category of paints or prim-
5 ers (or both) referred to in subparagraph (B),
6 beginning on the date that is 4 years after the
7 Administrator makes a determination under
8 subparagraph (B), no person shall—

9 “(i) distribute in commerce any paint
10 or primer with a lead content that exceeds
11 the level identified by the Administrator; or

12 “(ii) process any new motor vehicle or
13 new motor vehicle part or new equipment
14 part coated with the paint or primer with
15 a lead content that exceeds the level identi-
16 fied by the Administrator.

17 “(E) EFFECT OF NEGATIVE DETERMINA-
18 TION.—If the Administrator determines, pursu-
19 ant to subparagraph (A), that there is no paint
20 or primer suitable for a use referred to in
21 subclause (I), (II), (III), or (IV) of subpara-
22 graph (A)(i) that meets the applicable require-
23 ments under subparagraph (A)—

24 “(i) beginning on the date that is 13
25 years after the date of enactment of this

1 subsection, no person shall process any
2 paint or primer for the use specified in the
3 determination pursuant to subparagraph
4 (A); and

5 “(ii) beginning on the date that is 14
6 years after the date of enactment of this
7 subsection, no person shall distribute in
8 commerce any paint or primer for the use
9 specified in the determination pursuant to
10 subparagraph (A) (or process any motor
11 vehicle or motor vehicle part or new equip-
12 ment part coated with the paint or prim-
13 er),

14 that contains a lead content that exceeds a level
15 of lead content that the Administrator shall de-
16 termine, on the basis of the identification of the
17 lead content of paints and primers for the use.

18 “(c) STATEMENTS BY THE ADMINISTRATOR RELAT-
19 ING TO MODIFICATIONS OF RESTRICTIONS.—In promul-
20 gating any regulation under subsection (b) with respect
21 to the allowable lead content for a product, or a group
22 of products, under a product category, the Administrator
23 shall, prior to the promulgation of a final regulation, con-
24 sider and publish a statement that describes the effects
25 of the proposed allowable lead content level for the prod-

1 uct, or group of products, under the product category on
2 human health and the environment.

3 “(d) PACKAGING.—

4 “(1) DEFINITIONS.—As used in this subsection:

5 “(A) INCIDENTAL PRESENCE.—The term
6 ‘incidental presence’ means the presence of lead
7 in a package or packaging component that was
8 not purposely introduced into the package or
9 packaging component for the properties or
10 characteristics of the lead.

11 “(B) INTENTIONALLY INTRODUCE.—The
12 term ‘intentionally introduce’ means to purpose-
13 fully introduce lead into a package or packaging
14 component with the intent that the lead be
15 present in the package or packaging component.
16 The term does not include—

17 “(i) the presence of background levels
18 of lead that naturally occur in raw mate-
19 rials or are present as postconsumer addi-
20 tions, and that are not purposefully added
21 to perform as part of a package or packag-
22 ing component; and

23 “(ii) any trace amounts of a process-
24 ing aid or similar material that is used to

1 produce a product from which a package
2 or packaging component is manufactured.

3 “(2) INTENTIONAL INTRODUCTION.—Beginning
4 on the date that is 4 years after the date of enact-
5 ment of this subsection—

6 “(A) no package or packaging component
7 shall be sold or distributed in commerce by a
8 distributor; and

9 “(B) no product shall be distributed in
10 commerce by the distributor of the product in
11 a package,

12 if the product includes, in the package, or in any
13 packaging component, any ink, dye, pigment, adhe-
14 sive, stabilizer, or other additive to which lead has
15 been intentionally introduced as an element during
16 distribution (as opposed to the incidental presence of
17 lead).

18 “(3) LIMITATIONS ON THE AVERAGE OF CON-
19 CENTRATION LEVELS FROM INCIDENTAL PRESENCE
20 OF LEAD.—Notwithstanding paragraph (2), the av-
21 erage of the concentration levels from any incidental
22 presence of lead present in any package or packag-
23 ing component, other than the lead originating from
24 the product contained in the package, shall not ex-
25 ceed—

1 “(A) for the fifth 1-year period after the
2 date of enactment of this subsection, 600 parts
3 per million by weight (0.06 percent);

4 “(B) for the sixth 1-year period after the
5 date of enactment of this subsection, 250 parts
6 per million by weight (0.025 percent); and

7 “(C) for the seventh 1-year period after
8 the date of enactment of this subsection, and
9 for each 12-month period thereafter, 100 parts
10 per million by weight (0.01 percent).

11 “(4) PROHIBITION.—No package or packaging
12 component shall be sold or distributed in commerce
13 by a distributor, and no product shall be sold or dis-
14 tributed in commerce in a package by a distributor,
15 if the package or packaging component exceeds the
16 applicable level provided under paragraph (3).

17 “(5) CERTIFICATE OF COMPLIANCE.—

18 “(A) IN GENERAL.—A certificate of com-
19 pliance stating that a package or packaging
20 component is in compliance with the require-
21 ments of this section shall be prepared and re-
22 tained by the distributor of the package or
23 packaging component.

24 “(B) STATEMENT RELATING TO EXEMP-
25 TION.—In any case in which compliance with

1 this section is based on an exemption under
2 paragraph (6), the certificate shall state the
3 specific basis upon which the exemption is
4 claimed.

5 “(C) SIGNATURE OF AUTHORIZED OFFI-
6 CIAL.—A certificate of compliance shall be
7 signed by an authorized official of the distribu-
8 tor referred to in subparagraph (A).

9 “(6) EXEMPTION FROM PACKAGING REQUIRE-
10 MENTS.—Prior to the expiration of the 7-year period
11 beginning on the date of enactment of this sub-
12 section, on receipt of an application (in such form
13 and containing such information as the Adminis-
14 trator may prescribe by regulation), the Adminis-
15 trator may exempt from the requirements of para-
16 graph (2), (3) or (4)—

17 “(A) a package or packaging component
18 manufactured prior to the date of enactment of
19 this subsection, as determined by the Adminis-
20 trator; and

21 “(B) a package or packaging component to
22 which lead has been added in order to comply
23 with health or safety requirements of Federal
24 law or the law of any State or political subdivi-
25 sion of a State.

1 “(e) EXEMPTIONS.—

2 “(1) IN GENERAL.—The Administrator shall,
3 by regulation, exempt from the restrictions described
4 in subsection (a)(1) on the lead content of paint any
5 products that are intended for use by artists in cre-
6 ating, restoring, and preserving works of art, includ-
7 ing graphic works of art, if the paint is sold or oth-
8 erwise distributed in a package labeled pursuant to
9 the requirements under section 405(c)(1).

10 “(2) EXEMPTIONS.—The Administrator shall,
11 by regulation, exempt from the applicable restric-
12 tions on lead content under subsection (a) or (b) any
13 product, or group of products, within a product cat-
14 egory used—

15 “(A) for a medical purpose (as defined by
16 the Administrator, in consultation with the Sec-
17 retary of Health and Human Services);

18 “(B) for a purpose in the paramount inter-
19 est of the United States (as determined by the
20 Administrator, in consultation with the Sec-
21 retary of Defense);

22 “(C) for radiation protection (as jointly de-
23 fined by the Administrator and the Nuclear
24 Regulatory Commission), including any product
25 or product category used in connection with the

1 national security programs of the Department
2 of Energy;

3 “(D) in the mining industry to determine
4 the presence of noble metals in geological mate-
5 rials; or

6 “(E) as radiation shielding in any elec-
7 tronic device, or in specialized electronics uses
8 in any case in which the Administrator has de-
9 termined that no appropriate substitute for lead
10 is available.

11 “(3) STATUTORY CONSTRUCTION.—Nothing in
12 this section or the Lead Exposure Reduction Act of
13 1994 and the amendments made by such Act is in-
14 tended to prohibit the recycling (for use as a raw
15 material or for processing), recovery, or reuse of
16 lead-containing metal, glass, plastic, paper, or tex-
17 tiles, except that any product created or processed
18 from the lead-containing materials shall meet the re-
19 quirements (including standards) of this section.”.

20 **SEC. 104. INVENTORY OF LEAD-CONTAINING PRODUCTS**
21 **AND NEW USE NOTIFICATION PROCEDURES.**

22 Title IV (15 U.S.C. 2681 et seq.) is further amended
23 by inserting after section 403, as added by section 103
24 of this Act, the following new section:

1 **“SEC. 404. INVENTORY OF LEAD-CONTAINING PRODUCTS**
2 **AND NEW USE NOTIFICATION PROCEDURES.**

3 “(a) CREATION OF AN INVENTORY OF USES OF LEAD
4 IN PRODUCTS IN COMMERCE.—

5 “(1) IN GENERAL.—Not later than 180 days
6 after the date of enactment of this paragraph, the
7 Administrator shall, with the active participation of
8 all interested parties, initiate a survey of all lead-
9 containing products sold or distributed in commerce
10 in the United States.

11 “(2) DEVELOPMENT OF INVENTORY.—

12 “(A) IN GENERAL.—On the basis of the
13 survey described in paragraph (1), the Adminis-
14 trator shall develop an inventory of all lead-con-
15 taining products sold or distributed in com-
16 merce (referred to in this section as the ‘inven-
17 tory’).

18 “(B) PRODUCT CATEGORIES.—In develop-
19 ing the inventory, the Administrator may group
20 in product categories those products that meet
21 both of the following criteria:

22 “(i) The products are functionally
23 similar.

24 “(ii) The products provide similar op-
25 portunities for lead exposure or release
26 during manufacturing, processing, or use,

1 or at the end of the useful life of the prod-
2 uct (taking into account other applicable
3 regulations).

4 “(3) PUBLICATION OF DRAFT INVENTORY.—

5 “(A) IN GENERAL.—The Administrator
6 shall—

7 “(i) publish the inventory in the Fed-
8 eral Register in draft form; and

9 “(ii) solicit public comment on the
10 draft inventory and the grouping of prod-
11 ucts by the Administrator pursuant to
12 paragraph (2).

13 “(B) PUBLICATION.—Not later than 4
14 years after the date of enactment of this para-
15 graph, after providing public notice and oppor-
16 tunity for comment on the draft inventory, the
17 Administrator shall publish a final inventory.

18 “(4) PRODUCTS CONTAINING COMPONENTS IN-
19 CLUDED ON INVENTORY.—For the purposes of this
20 section, any product that contains lead-containing
21 components included on the inventory shall be
22 deemed to be included on the inventory.

23 “(5) FAILURE OF ADMINISTRATOR TO PUBLISH
24 INVENTORY.—If the Administrator fails to publish
25 the inventory by the date specified in paragraph

1 (3)(B), the list of products referred to in subsection
2 (c)(6)(C) shall be deemed to comprise the inventory.

3 “(6) MODIFICATIONS.—The Administrator may,
4 from time to time, after notice and opportunity for
5 comment, make modifications to the inventory pub-
6 lished under this subsection. If the Administrator
7 modifies the inventory, the Administrator shall pub-
8 lish the modified inventory.

9 “(b) LIST OF USES OF LEAD IN PRODUCTS THAT
10 POSE EXPOSURE CONCERNS.—

11 “(1) IN GENERAL.—Beginning on the date that
12 is 6 years after the date of enactment of this para-
13 graph, the Administrator shall issue regulations that
14 establish a list (referred to in this section as the
15 ‘list’) of lead-containing products or categories of
16 products that the Administrator determines may
17 reasonably be anticipated to present an unreasonable
18 risk of injury to human health or the environment
19 due to—

20 “(A) exposure to lead released during and
21 from use of such a product by a consumer;

22 “(B) direct exposure of the product to the
23 environment; or

24 “(C) exposure to lead at the end of the
25 useful life of the product;

1 taking into account other applicable regulations.

2 “(2) CRITERIA FOR DETERMINATION TO LIST A
3 PRODUCT OR CATEGORY OF PRODUCT.—Each deter-
4 mination to list a product or category of product
5 shall be based on exposure-related information per-
6 taining to the product or category of products, or to
7 a product or category of products that poses similar
8 exposure risks.

9 “(3) SPECIFICATION OF LEAD CONCENTRA-
10 TION.—For each product or category of products,
11 the Administrator shall specify the concentration of
12 lead (as a percentage of the dry weight of the prod-
13 uct or category of products) that the Administrator
14 determines to be the maximum concentration of lead
15 found in the product or category of products.

16 “(4) MODIFICATION OF LIST.—

17 “(A) ADDITIONS TO LIST.—After promul-
18 gating the list, the Administrator may, by
19 regulation—

20 “(i) add a product or category of
21 products to the list, if the Administrator
22 determines that the product or category of
23 products meets the standard established in
24 paragraph (1); or

1 “(ii) remove a product or category of
2 products from the list, if the Administrator
3 determines that the product or category of
4 products does not meet the standard estab-
5 lished in paragraph (1).

6 “(B) PETITIONS FOR MODIFICATIONS.—

7 “(i) IN GENERAL.—Any person may
8 petition the Administrator to make a de-
9 termination to add a product or category
10 of products to the list, or to remove a
11 product or category of products from the
12 list.

13 “(ii) ACTION BY THE ADMINIS-
14 TRATOR.—Not later than 2 years after re-
15 ceipt of a petition under clause (i), the Ad-
16 ministrator shall take one of the following
17 actions:

18 “(I) Grant the petition, initiate a
19 procedure to promulgate a regulation
20 to add or delete the product or prod-
21 uct category as requested in the peti-
22 tion, and complete the procedure by
23 not later than 2 years after initiating
24 the procedure.

1 “(II) Deny the petition and pub-
2 lish an explanation of the basis for de-
3 nying the petition in the Federal
4 Register.

5 “(5) CONSTRUCTION.—Nothing in this sub-
6 section shall be construed to affect any authority of
7 any person under section 5 or 6 concerning the man-
8 ufacturing or processing of a lead-containing product
9 or a category of such products.

10 “(c) NOTIFICATION OF NEW USES OF LEAD IN
11 PRODUCTS IN COMMERCE.—

12 “(1) IN GENERAL.—

13 “(A) PUBLICATION.—After the publication
14 of the inventory in final form pursuant to sub-
15 section (a)(3), any person who manufactures or
16 processes a lead-containing product referred to
17 in subparagraph (B) shall submit to the Admin-
18 istrator a notice prepared pursuant to para-
19 graph (2) on the commencement of the manu-
20 facture or processing of the product.

21 “(B) APPLICABILITY.—Subparagraph (A)
22 shall apply to any lead-containing product for
23 which a notice is required under subparagraph
24 (A) that—

1 “(i) is not listed in the inventory de-
2 veloped under subsection (a); or

3 “(ii) is a product that—

4 “(I) is identified on the list pro-
5 mulgated under subsection (b), or
6 that is included in a category of prod-
7 ucts identified on the list; and

8 “(II) utilizes a greater concentra-
9 tion of lead, as a percentage of dry
10 weight, than the concentration identi-
11 fied by the Administrator for the
12 product or category under subsection
13 (b)(3) (unless the concentration is ex-
14 ceeded on a percentage basis solely as
15 a result of efforts to reduce the size or
16 weight of the product, rather than by
17 the addition of greater quantities of
18 lead into the product).

19 “(2) CONTENTS OF NOTICE.—The notice re-
20 quired by paragraph (1) shall include—

21 “(A) a general description of the product;

22 “(B) a description of the manner in which
23 lead is used in the product;

24 “(C) the quantity of the product manufac-
25 tured or processed; and

1 “(D) the quantity and percentage of lead
2 used in the manufacturing of the product, or
3 the quantity and percentage of lead contained
4 in the product.

5 “(3) REPORT BY THE ADMINISTRATOR.—On an
6 annual basis, the Administrator shall publish a re-
7 port that provides a nonconfidential summary of new
8 uses identified pursuant to this subsection. The re-
9 port shall include aggregated information regarding
10 the amount of lead associated with the new uses.

11 “(4) RELATIONSHIP WITH OTHER PROVI-
12 SIONS.—The notification requirement under para-
13 graph (1) shall be subject to the confidentiality pro-
14 visions under section 5, and the research and devel-
15 opment exemption under section 5.

16 “(5) AMENDMENT OF LIST AND INVENTORY.—
17 After the receipt of a notice under paragraph (1),
18 the Administrator shall—

19 “(A) make such amendments to the inven-
20 tory established under subsection (a) as the Ad-
21 ministrator determines to be appropriate; and

22 “(B) evaluate whether any new products
23 should be added to the list established under
24 subsection (b).

25 “(6) DELAY IN PUBLICATION.—

1 “(A) IN GENERAL.—If the publication of a
2 final list is delayed beyond the date specified in
3 subsection (b), subparagraphs (B) and (C) shall
4 apply.

5 “(B) PROHIBITION.—Beginning on the
6 date that the final list is required to be promul-
7 gated under subsection (b), and until such time
8 as a final list is published, no person shall in-
9 troduce into interstate commerce a product that
10 is listed or included within a product category
11 identified in subparagraph (C), if—

12 “(i) the product, or a substantially
13 similar product, has not been distributed
14 in commerce prior to the date of enact-
15 ment of this paragraph; or

16 “(ii) the product contains a greater
17 percentage of lead than any substantially
18 similar product distributed in commerce
19 before the date of enactment of this para-
20 graph,

21 unless the person has submitted a notice under
22 paragraph (2).

23 “(C) LIST OF PRODUCTS OR CAT-
24 EGORIES.—The list of products or categories of
25 products referred to in subparagraph (B) shall

1 be the products listed under section 403(a)(2)
2 and subsections (d) through (f) of section 403.

3 “(D) BURDEN OF PROOF.—In any pro-
4 ceeding to enforce subparagraph (B) with re-
5 spect to a product, the person introducing such
6 product into interstate commerce shall have the
7 burden of demonstrating that such person had
8 a reasonable basis for concluding that the prod-
9 uct (or a substantially similar product) had
10 been distributed in commerce prior to the date
11 of publication of the final list, as referred to in
12 subparagraph (B).

13 “(d) EXEMPTIONS.—

14 “(1) IN GENERAL.—Subsections (b) and (c)
15 shall not apply to the following:

16 “(A) Stained glass products.

17 “(B) Articles referred to in section
18 3(2)(B)(v).

19 “(C) Containers used for radiation shield-
20 ing.

21 “(2) AUTOMOTIVE DISMANTLERS.—This section
22 shall not apply to any metal, glass, paper, or textile
23 sold or distributed by the owner or operator of any
24 automotive dismantler or recycling facility regulated
25 by a State or the Administrator.”.

1 **SEC. 105. PRODUCT LABELING.**

2 Title IV (15 U.S.C. 2681 et seq.) is further amended
3 by inserting after section 404, as added by section 104
4 of this Act, the following new section:

5 **“SEC. 405. PRODUCT LABELING.**

6 “(a) IN GENERAL.—

7 “(1) LABELING.—

8 “(A) IN GENERAL.—Not later than 6 years
9 after the date of enactment of this paragraph,
10 the Administrator shall promulgate regulations
11 that provide for the labeling of products in-
12 cluded in the list established under section
13 404(b).

14 “(B) EXEMPTIONS.—The regulations pro-
15 mulgated under this paragraph shall not apply
16 to—

17 “(i) lead-acid batteries, to the extent
18 that the labeling of the batteries as to the
19 lead content of the batteries is regulated
20 under any other Federal law;

21 “(ii) products regulated under the
22 Federal Food, Drug and Cosmetic Act (21
23 U.S.C. 301 et seq.); and

24 “(iii) during or after disposal.

1 “(C) DIFFERENTIATION IN LABELING.—

2 The regulations promulgated under this section
3 may distinguish between—

4 “(i) labels required for products in-
5 cluded in the list established under section
6 404(b) that present a risk of exposure to
7 lead during distribution or use; and

8 “(ii) labels required for products in-
9 cluded in the list that present a risk of ex-
10 posure to lead during or after disposal.

11 “(2) EFFECTIVE DATE OF REGULATIONS.—The
12 regulations promulgated pursuant to paragraph (1)
13 shall take effect not later than the date that is 7
14 years after the date of enactment of this paragraph.

15 “(b) CONTENT OF REGULATIONS.—The regulations
16 described in subsection (a) shall specify the wording, type
17 size, and placement of the labels described in subsection
18 (a).

19 “(c) LABELING OF CERTAIN ITEMS.—

20 “(1) IN GENERAL.—The Administrator shall
21 promulgate regulations requiring that the following
22 labeling be included in the labeling of the packaging
23 of the following items:

1 “(A) For any paint for use by artists (in-
2 cluding graphic artists) described in section
3 403(g):

4 **“‘CONTAINS LEAD—FOR USE**
5 **BY ADULTS ONLY. DO NOT USE**
6 **OR STORE AROUND CHILDREN**
7 **OR IN AREAS ACCESSIBLE TO**
8 **CHILDREN.’.**

9 “(B) For each toy or recreational game
10 piece that is a collectible item and for each
11 scale model that is subject to the regulations
12 promulgated under section 403(b)(4) and is
13 manufactured on or after the effective date of
14 the regulations promulgated under this sub-
15 section:

16 **“‘COLLECTIBLE ITEM, CON-**
17 **TAINS LEAD, NOT SUITABLE**
18 **FOR CHILDREN.’.**

19 “(2) CRITERIA FOR REGULATIONS.—The regu-
20 lations promulgated pursuant to paragraph (1) shall
21 specify the type, size, and placement of the labeling
22 described in paragraph (1).

23 “(3) EFFECTIVE DATE.—Each regulation pro-
24 mulgated under paragraph (1) shall take effect on

1 the date that is 1 year after the date of the promul-
2 gation of the regulation.

3 “(4) LABELS.—If, by the date that is 2 years
4 after the date of enactment of subsection (a)(1), the
5 Administrator has not promulgated regulations that
6 specify the alternate type, size, and placement of the
7 wording for labels referred to in paragraph (1), the
8 wording shall be placed prominently on the package
9 in letters the same size as the largest text letter (ex-
10 cept for letters in logos or brand markings) other-
11 wise affixed to the label or packaging of the product
12 until such time as the Administrator promulgates
13 the regulations.

14 “(d) BAR.—Except as provided (by reference or oth-
15 erwise) in any Federal, or State, law or judicial decision
16 other than section 404 or this section, compliance with
17 the labeling requirements of this section shall not con-
18 stitute, in whole or in part, a defense for liability relating
19 to, or a cause for reduction in damages resulting from,
20 any civil or criminal action brought under any Federal or
21 State law, other than an action brought for failure to com-
22 ply with the labeling requirements of this section. Except
23 as provided (by reference or otherwise) in any Federal,
24 or State, law or judicial decision other than section 404
25 or this section, nothing in section 404 or this section shall

1 be construed to create any additional liability, to create
2 any additional defense, or to in any other manner increase
3 or decrease the liability (including liability for damages),
4 for any party relating to any civil or criminal action
5 brought under any Federal or State law, other than an
6 action brought for failure to comply with the requirements
7 of such sections.”.

8 **SEC. 106. BATTERIES.**

9 Title IV (15 U.S.C. 2681 et seq.) is further amended
10 by inserting after section 405, as added by section 105
11 of this Act, the following new sections:

12 **“SEC. 406. RECYCLING OF LEAD-ACID BATTERIES.**

13 “(a) PROHIBITIONS.—

14 “(1) IN GENERAL.—Beginning on the date that
15 is 1 year after the date of enactment of subsection
16 (c), no person shall—

17 “(A) place a lead-acid battery in any land-
18 fill; or

19 “(B) incinerate any lead-acid battery.

20 “(2) DISPOSAL.—No person may—

21 “(A) discard or otherwise dispose of a
22 lead-acid battery in mixed municipal solid
23 waste; or

1 “(B) discard or otherwise dispose of a
2 lead-acid battery in a manner other than by re-
3 cycling in accordance with this section.

4 “(3) EXEMPTION.—Paragraphs (1) through (2)
5 shall not apply to an owner or operator of a munici-
6 pal solid waste landfill, incinerator, or collection pro-
7 gram that inadvertently receives any lead-acid bat-
8 tery that—

9 “(A) is commingled with other municipal
10 solid waste; and

11 “(B) is not readily removable from the
12 waste stream,

13 if the owner or operator of the facility or collection
14 program has established contractual requirements or
15 other appropriate notification or inspection proce-
16 dures to ensure that no lead-acid battery is received
17 at, or burned in, the facility or accepted through the
18 collection program.

19 “(b) GENERAL DISCARD OR DISPOSAL REQUIRE-
20 MENTS.—Beginning on the date that is 1 year after the
21 date of enactment of subsection (c), no person (except a
22 person described in subsection (c), (d), or (e)) may discard
23 or otherwise dispose of any used lead-acid battery except
24 by delivery to 1 of the following persons (or an authorized
25 representative of the person):

1 “(1) A person who sells lead-acid batteries at
2 retail or wholesale.

3 “(2) A lead smelter regulated by a State or the
4 Administrator under the Solid Waste Disposal Act
5 (42 U.S.C. 6901 et seq.) or the Clean Air Act (42
6 U.S.C. 7401 et seq.) or a person who temporarily
7 stores used lead-acid batteries for less than 90 days.

8 “(3) A collection or recycling facility regulated
9 by a State or subject to regulation by the Adminis-
10 trator under the Solid Waste Disposal Act (42
11 U.S.C. 6901 et seq.) or a person who temporarily
12 stores used lead-acid batteries for less than 90 days.

13 “(4) An automotive dismantler (as defined by
14 the Administrator).

15 “(5) A community collection program operated
16 by, or pursuant to an agreement with, a govern-
17 mental entity.

18 “(6) A manufacturer of batteries of the same
19 general type.

20 “(c) DISCARD OR DISPOSAL REQUIREMENTS FOR
21 RETAILERS.—Beginning on the date that is 1 year after
22 the date of enactment of this subsection, no person who
23 sells lead-acid batteries at retail may discard or otherwise
24 dispose of any used lead-acid battery except by delivery

1 to 1 of the following persons (or an authorized representa-
2 tive of the person):

3 “(1) A person who sells lead-acid batteries at
4 wholesale.

5 “(2) A lead smelter regulated by a State or the
6 Administrator under the Solid Waste Disposal Act
7 (42 U.S.C. 6901 et seq.) or the Clean Air Act (42
8 U.S.C. 7401 et seq.) or a person who temporarily
9 stores used lead-acid batteries for less than 90 days.

10 “(3) A battery manufacturer.

11 “(4) A collection or recycling facility regulated
12 by a State or subject to regulation by the Adminis-
13 trator under the Solid Waste Disposal Act (42
14 U.S.C. 6901 et seq.).

15 “(5) An automotive dismantler (as defined by
16 the Administrator).

17 “(d) DISCARD OR DISPOSAL REQUIREMENTS FOR
18 WHOLESALERS, AUTOMOTIVE DISMANTLERS, AND COM-
19 MUNITY COLLECTION PROGRAMS.—

20 “(1) IN GENERAL.—Beginning on the date that
21 is 1 year after the date of enactment of this sub-
22 section—

23 “(A) no person who sells lead-acid bat-
24 teries at wholesale;

25 “(B) no automotive dismantler; and

1 “(C) no community collection program op-
2 erated pursuant to an agreement with a govern-
3 mental entity,
4 may discard or otherwise dispose of any used lead-
5 acid battery, except by delivery to 1 of the persons
6 described in paragraph (2) (or an authorized rep-
7 resentative of the person).

8 “(2) PERSONS.—The persons described in this
9 paragraph are as follows:

10 “(A) A lead smelter regulated by a State
11 or the Administrator under the Solid Waste
12 Disposal Act (42 U.S.C. 6901 et seq.) or the
13 Clean Air Act (42 U.S.C. 7401 et seq.).

14 “(B) A battery manufacturer.

15 “(C) A collection or recycling facility regu-
16 lated by a State or subject to regulation by the
17 Administrator under the Solid Waste Disposal
18 Act (42 U.S.C. 6901 et seq.).

19 “(e) DISCARD OR DISPOSAL REQUIREMENTS FOR
20 MANUFACTURERS.—

21 “(1) IN GENERAL.—Beginning on the date that
22 is 1 year after the date of enactment of this sub-
23 section, no person who manufactures lead-acid bat-
24 teries may discard or otherwise dispose of any used
25 lead-acid battery, except by delivery to 1 of the per-

1 sons described in paragraph (2) (or an authorized
2 representative of the person).

3 “(2) PERSONS.—The persons described in this
4 paragraph are as follows:

5 “(A) A lead smelter regulated by a State
6 or the Administrator under the Solid Waste
7 Disposal Act (42 U.S.C. 6901 et seq.) or the
8 Clean Air Act (42 U.S.C. 7401 et seq.).

9 “(B) A collection or recycling facility regu-
10 lated by a State or subject to regulation by the
11 Administrator or a person who temporarily
12 stores used lead-acid batteries for less than 90
13 days.

14 “(f) COLLECTION REQUIREMENTS FOR
15 RETAILERS.—

16 “(1) IN GENERAL.—Beginning on the date that
17 is 1 year after the date of enactment of this sub-
18 section, a person who sells, or offers for sale, lead-
19 acid batteries at retail shall—

20 “(A) accept from customers used lead-acid
21 batteries of the same general type as the bat-
22 teries sold and in a quantity approximately
23 equal to the number of batteries sold; and

24 “(B) collect a deposit in an amount not
25 less than \$10 for the sale of any new replace-

1 ment automotive type lead-acid battery that is
2 not accompanied by the return of a used auto-
3 motive type lead-acid battery.

4 “(2) DEPOSITS.—A person who pays a deposit
5 pursuant to this subsection shall receive from the re-
6 tailer a refund in an amount equal to the deposit
7 paid, if the person returns a used automotive type
8 lead-acid battery of the same general type as the
9 battery purchased from the retailer not later than
10 30 days after the date of sale of the battery pur-
11 chased. All unredeemed deposits shall inure to the
12 benefit of the retailer. The used lead-acid batteries
13 shall be accepted at the place where lead-acid bat-
14 teries are offered for sale.

15 “(g) COLLECTION REQUIREMENTS FOR WHOLE-
16 SALERS.—

17 “(1) IN GENERAL.—Beginning on the date that
18 is 1 year after the date of enactment of this sub-
19 section, a person who sells, or offers for sale, lead-
20 acid batteries at wholesale (referred to in this sec-
21 tion as a ‘wholesaler’) shall accept from customers
22 used lead-acid batteries of the same general type as
23 the batteries sold and in a quantity approximately
24 equal to the number of batteries sold.

1 “(2) WHOLESALER WHO SELLS LEAD-ACID
2 BATTERIES TO A RETAILER.—In the case of a whole-
3 saler who sells, or offers for sale, lead-acid batteries
4 to a retailer, the wholesaler shall also provide for re-
5 moving used lead-acid batteries at the place of busi-
6 ness of the retailer. Unless the quantity of batteries
7 to be removed is less than 5, the removal shall occur
8 not later than 90 days after the retailer notifies the
9 wholesaler of the existence of the used lead-acid bat-
10 teries for removal. If the quantity of batteries to be
11 removed is less than 5, the wholesaler shall remove
12 the batteries not later than 180 days after the noti-
13 fication referred to in the preceding sentence.

14 “(h) COLLECTION REQUIREMENTS FOR MANUFAC-
15 TURERS.—Beginning on the date that is 1 year after the
16 date of enactment of this subsection, a person who manu-
17 factures lead-acid batteries shall accept from customers
18 used lead-acid batteries of the same general type as the
19 batteries sold and in a quantity approximately equal to
20 the number of batteries sold.

21 “(i) WRITTEN NOTICE REQUIREMENTS FOR RETAIL-
22 ERS.—

23 “(1) IN GENERAL.—Beginning on the date that
24 is 1 year after the date of enactment of this sub-
25 section, a person who sells, or offers for sale, lead-

1 acid batteries at retail shall post written notice
2 that—

3 “(A) is clearly visible in a public area of
4 the establishment in which the lead-acid bat-
5 teries are sold or offered for sale;

6 “(B) is at least 8½ inches by 11 inches in
7 size; and

8 “(C) contains the following language:

9 “(i) ‘It is illegal to throw away a
10 motor vehicle battery or other lead-acid
11 battery.’.

12 “(ii) ‘Recycle your used batteries.’.

13 “(iii) ‘Federal law requires battery re-
14 tailers to accept used lead-acid batteries
15 for recycling when a battery is purchased.’.

16 “(iv) ‘Federal law allows you to sell or
17 return used batteries to an authorized bat-
18 tery collector, recycler, or processor, or to
19 an automotive dismantler.’.

20 “(2) FAILURE TO POST NOTICE.—Any person
21 who, after receiving a written warning by the Ad-
22 ministrator, fails to post a notice required under
23 paragraph (1) shall, notwithstanding section 16, be
24 subject to a civil penalty in an amount not to exceed
25 \$1,000 per day.

1 “(j) LEAD-ACID BATTERY LABELING REQUIRE-
2 MENTS.—

3 “(1) IN GENERAL.—Beginning on the date that
4 is 18 months after the date of enactment of this
5 subsection, it shall be unlawful for any lead-acid bat-
6 tery manufacturer to distribute in interstate com-
7 merce, or offer for such distribution, any lead-acid
8 battery that does not bear a permanent label that
9 contains the statements required under paragraph
10 (3).

11 “(2) SALES.—Beginning on the date that is 2
12 years after the date of enactment of this subsection,
13 it shall be unlawful to sell a lead-acid battery that
14 does not bear a permanent label that contains the
15 statements required under paragraph (3).

16 “(3) LABELS.—A label described in paragraph
17 (1) or (2) shall be considered to be consistent with
18 the requirements of this section if the label—

19 “(A) identifies that the lead-acid battery
20 contains lead; and

21 “(B) contains the following statements:

22 “(i) ‘Federal law requires recycling.’.

23 “(ii) ‘Retailers must accept in ex-
24 change.’.

1 “(4) RECYCLING SYMBOLS.—Nothing in this
2 section shall be interpreted as prohibiting the display
3 on the label of a lead-acid battery of a recycling
4 symbol (as defined by the Administrator) or other
5 information intended to encourage recycling.

6 “(k) PUBLICATION OF NOTICE.—Not later than 180
7 days after the date of enactment of this subsection, the
8 Administrator shall publish in the Federal Register a no-
9 tice of the requirements of this section and such other re-
10 lated information as the Administrator determines to be
11 appropriate.

12 “(l) WARNINGS AND CITATIONS.—The Administrator
13 may issue a warning or citation (or both) to any person
14 who fails to comply with any provision of this section.

15 “(m) EXPORT FOR PURPOSES OF RECYCLING.—Not-
16 withstanding any other provision of this section, any per-
17 son may export any used lead-acid battery for the purpose
18 of recycling.

19 “(n) DEFINITION.—As used in this section, the term
20 ‘lead-acid battery’ means a battery that—

21 “(1) consists of lead and sulfuric acid;

22 “(2) is used as a power source; and

23 “(3) is not a rechargeable battery, as defined in
24 section 407.

1 **“SEC. 407. MERCURY-CONTAINING AND RECHARGEABLE**
2 **BATTERY MANAGEMENT.**

3 “(a) DEFINITIONS.—As used in this section:

4 “(1) BATTERY PACK.—The term ‘battery pack’
5 means any combination of rechargeable batteries
6 containing 1 or more regulated batteries that com-
7 monly has wire leads, terminals, and dielectric hous-
8 ing.

9 “(2) BUTTON CELL.—The term ‘button cell’,
10 used with respect to a battery, means any button-
11 shaped or coin-shaped battery.

12 “(3) EASILY REMOVABLE.—The term ‘easily re-
13 movable’, used with respect to a rechargeable battery
14 or battery pack, means the battery or battery pack
15 is detachable or removable from a rechargeable
16 consumer product by a consumer with the use of
17 common household tools at the end of the life of the
18 battery or battery pack.

19 “(4) MERCURIC-OXIDE BATTERY.—The term
20 ‘mercuric-oxide battery’ means a battery that uses a
21 mercuric-oxide electrode.

22 “(5) RECHARGEABLE BATTERY.—The term ‘re-
23 chargeable battery’—

24 “(A) means any type of enclosed device or
25 sealed container consisting of 1 or more voltaic
26 or galvanic cells, electrically connected to

1 produce electric energy, that is designed to be
2 recharged for repeated uses; and

3 “(B) does not include—

4 “(i) any lead-acid battery used to
5 start an internal combustion engine or as
6 the principal electrical power source for a
7 vehicle, such as an automobile, a truck,
8 construction equipment, a motorcycle, a
9 garden tractor, a golf cart, a wheelchair, or
10 a boat;

11 “(ii) any lead-acid battery used for
12 load leveling or for the storage of elec-
13 tricity generated by an alternative energy
14 source, such as a solar cell or wind driven
15 generator;

16 “(iii) any battery used as a backup
17 power source for memory or program in-
18 struction storage, timekeeping, or any
19 similar purpose that requires uninterr-
20 rupted electrical power in order to function
21 if the primary energy supply fails or fluc-
22 tuates momentarily; and

23 “(iv) any alkaline battery.

24 “(6) RECHARGEABLE CONSUMER PRODUCT.—

25 The term ‘rechargeable consumer product’—

1 “(A) means any product that when sold at
2 retail includes a regulated battery as a primary
3 energy supply and that is primarily intended for
4 personal or household use; and

5 “(B) does not include any product that
6 uses a battery solely as a backup power source
7 for memory or program instruction storage,
8 timekeeping, or any similar purpose that re-
9 quires uninterrupted electrical power in order to
10 function if the primary energy supply fails or
11 fluctuates momentarily.

12 “(7) REGULATED BATTERY.—The term ‘regu-
13 lated battery’ means any rechargeable battery that—

14 “(A) contains a cadmium or a lead elec-
15 trode or any combination of cadmium and lead
16 electrodes; or

17 “(B) has another electrode chemistry and
18 is the subject of a determination by the Admin-
19 istrator pursuant to subsection (b)(5).

20 “(8) REMANUFACTURED PRODUCT.—The term
21 ‘remanufactured product’ means a rechargeable
22 consumer product that has been altered by the re-
23 placement of a part, repackaged, or repaired, after
24 initial sale by the original manufacturer.

1 “(b) RECHARGEABLE CONSUMER PRODUCTS AND
2 LABELING.—

3 “(1) PROHIBITION.—

4 “(A) IN GENERAL.—No person shall sell at
5 retail for use in the United States a regulated
6 battery or rechargeable consumer product intro-
7 duced into interstate commerce on or after the
8 date that is 1 year after the date of enactment
9 of this subsection, unless—

10 “(i) the regulated battery—

11 “(I) is easily removable from the
12 rechargeable consumer product;

13 “(II) is contained in a battery
14 pack that is easily removable from the
15 product; or

16 “(III) is sold separately from the
17 product; and

18 “(ii) the rechargeable consumer prod-
19 uct and the regulated battery are labeled
20 in accordance with paragraph (2).

21 “(B) APPLICATION.—Subparagraph (A)
22 shall not apply to—

23 “(i) the sale of a remanufactured
24 product unless subparagraph (A) applied

1 to the sale of the product when originally
2 manufactured; and

3 “(ii) a product intended for export
4 purposes only.

5 “(2) LABELING.—Each regulated battery, bat-
6 tery pack, or rechargeable consumer product without
7 an easily removable battery or battery pack, manu-
8 factured on or after the date that is 1 year after the
9 date of enactment of this subsection, shall be labeled
10 with—

11 “(A)(i) 3 chasing arrows or a comparable
12 recycling symbol;

13 “(ii) proximate to such arrows or symbol—

14 “(I) on each nickel-cadmium battery
15 or battery pack, the chemical name or the
16 abbreviation ‘Ni-Cd’; and

17 “(II) on each lead-acid battery or bat-
18 tery pack, ‘Pb’ or the words ‘LEAD’, ‘RE-
19 TURN’, and ‘RECYCLE’; and

20 “(iii) on each regulated battery or battery
21 pack, the phrase ‘NICKEL-CADMIUM BAT-
22 TERY. MUST BE RECYCLED OR DIS-
23 POSED OF PROPERLY.’ or ‘SEALED
24 LEAD BATTERY. BATTERY MUST BE
25 RECYCLED.’, as applicable;

1 “(B) on each rechargeable consumer prod-
2 uct without an easily removable battery or bat-
3 tery pack, the phrase ‘CONTAINS NICKEL-
4 CADMIUM BATTERY. BATTERY MUST
5 BE RECYCLED OR DISPOSED OF PROP-
6 ERLY.’ or ‘CONTAINS SEALED LEAD
7 BATTERY. BATTERY MUST BE RECY-
8 CLED.’, as applicable; and

9 “(C) on the packaging of each recharge-
10 able consumer product, and the packaging of
11 each regulated battery or battery pack sold sep-
12 arately from such a product, unless the relevant
13 label is clearly visible through the packaging,
14 the phrase ‘CONTAINS NICKEL-CADMIUM
15 BATTERY. BATTERY MUST BE RECY-
16 CLED OR DISPOSED OF PROPERLY.’ or
17 ‘CONTAINS SEALED LEAD BATTERY.
18 BATTERY MUST BE RECYCLED.’.

19 “(3) EXISTING LABELING.—

20 “(A) SUBSTANTIAL COMPLIANCE.—For a
21 period of 2 years after the date of enactment of
22 this subsection, regulated batteries and battery
23 packs, rechargeable consumer products contain-
24 ing regulated batteries, and rechargeable
25 consumer product packages, that are labeled in

1 substantial compliance with paragraph (2) shall
2 be deemed to comply with the labeling require-
3 ments of paragraph (2).

4 “(B) DIFFERENT LABEL.—Upon applica-
5 tion by a person subject to the labeling require-
6 ments of paragraph (2) or the labeling require-
7 ments promulgated by the Administrator under
8 paragraph (5), the Administrator may approve
9 a different label and certify that the different
10 label meets the requirements of paragraph (2)
11 or (5), respectively, if the different label—

12 “(i) is substantially similar to the
13 label required under paragraph (2) or (5),
14 respectively; or

15 “(ii) conforms with a recognized inter-
16 national standard and is consistent with
17 the overall purposes of this section.

18 “(4) POINT OF SALE INFORMATION.—Any retail
19 establishment that offers for sale any battery, bat-
20 tery pack, or product subject to the labeling require-
21 ments of paragraph (2) or the labeling requirements
22 promulgated by the Administrator under paragraph
23 (5), shall display, in a manner visible to a consumer,
24 a written notice that informs the consumer that reg-
25 ulated batteries and battery packs, whether sold sep-

1 arately or in rechargeable consumer products, shall
2 be recycled or disposed of properly.

3 “(5) RULEMAKING AUTHORITY OF THE ADMIN-
4 ISTRATOR.—

5 “(A) IN GENERAL.—If the Administrator
6 determines that other rechargeable batteries
7 having electrode chemistries different from reg-
8 ulated batteries described in subsection
9 (a)(7)(A) are toxic and may cause substantial
10 harm to human health and the environment if
11 discarded into the solid waste stream for land
12 disposal or incineration, the Administrator may,
13 with the advice and counsel of State regulatory
14 authorities and manufacturers of rechargeable
15 batteries, battery packs, and rechargeable
16 consumer products, and after public comment—

17 “(i) promulgate labeling requirements
18 for the batteries with different electrode
19 chemistries, battery packs containing the
20 batteries, rechargeable consumer products
21 containing the batteries that are not easily
22 removable batteries, and packaging for the
23 products; and

24 “(ii) promulgate easily-removable de-
25 sign requirements for rechargeable

1 consumer products designed to contain the
2 batteries or battery packs.

3 “(B) SUBSTANTIAL SIMILARITY.—The reg-
4 ulations promulgated pursuant to subparagraph
5 (A) shall be substantially similar to the require-
6 ments set forth in paragraphs (1) and (2).

7 “(6) UNIFORMITY.—After the effective dates of
8 a requirement set forth in paragraph (1), (2), or (3)
9 or a regulation promulgated by the Administrator
10 under paragraph (5), no Federal agency, State, or
11 political subdivision of a State may enforce any easy
12 removability or environmental labeling requirement
13 for a rechargeable battery, battery pack, or re-
14 chargeable consumer product that is not identical to
15 the requirement or regulation.

16 “(7) EXEMPTIONS.—

17 “(A) IN GENERAL.—With respect to any
18 rechargeable consumer product, any person may
19 submit an application to the Administrator for
20 an exemption from the requirements of para-
21 graph (1) in accordance with the procedures
22 under subparagraph (B). The application shall
23 include—

24 “(i) a statement of the specific basis
25 for the request for the exemption; and

1 “(ii) the name, business address, and
2 telephone number of the applicant.

3 “(B) GRANTING OF EXEMPTION.—Not
4 later than 60 days after receipt of an applica-
5 tion under subparagraph (A), the Administrator
6 shall approve or deny the application. Upon ap-
7 proval of the application, the Administrator
8 shall grant an exemption to the applicant. The
9 exemption shall be issued for a period of time
10 that the Administrator determines to be appro-
11 priate, except that the period shall not exceed
12 2 years. The Administrator shall grant an ex-
13 emption on the basis of evidence supplied to the
14 Administrator that the manufacturer has been
15 unable to commence manufacturing the re-
16 chargeable consumer product in compliance
17 with this subsection and with an equivalent
18 level of product performance without the
19 product—

20 “(i) resulting in danger to human
21 health, safety, or the environment; or

22 “(ii) violating requirements for ap-
23 provals from governmental agencies or
24 widely recognized private standard-setting

1 organizations (including Underwriters Lab-
2 oratories).

3 “(C) RENEWAL OF EXEMPTION.—A person
4 granted an exemption under subparagraph (B)
5 may apply for a renewal of the exemption in ac-
6 cordance with the requirements and procedures
7 described in subparagraphs (A) and (B). The
8 Administrator may grant a renewal of such an
9 exemption for a period of not more than 2 years
10 after the date of granting of the renewal.

11 “(c) REQUIREMENTS.—For the purposes of carrying
12 out the collection, storage, transportation, recycling, or
13 proper disposal of used rechargeable batteries, used bat-
14 tery packs, and used rechargeable consumer products con-
15 taining rechargeable batteries that are not easily remov-
16 able rechargeable batteries, persons involved in collecting,
17 storing, or transporting such batteries, battery packs, or
18 products to a facility for recycling or proper disposal shall
19 be subject, in the same manner and with the same limita-
20 tions, to the same requirements as would apply if the per-
21 sons were collecting, storing, or transporting batteries
22 subject to subpart G of part 266 of title 40, Code of Fed-
23 eral Regulations, as in effect on January 1, 1993, notwith-
24 standing any other regulation or statute.

1 “(d) COOPERATIVE EFFORTS.—Notwithstanding any
2 other provision of law, if 2 or more persons who partici-
3 pate in projects or programs to collect and properly man-
4 age used rechargeable batteries, used battery packs, or
5 used rechargeable consumer products advise the Adminis-
6 trator of their intent, the persons may agree to develop
7 jointly, or to share in the costs of participating in, such
8 a project or program and to examine and rely upon such
9 cost information as is collected during the project or
10 program.

11 “(e) REPORT TO CONGRESS.—

12 “(1) REPORT DEADLINES IN GENERAL.—Not
13 later than 3 years after the date of enactment of
14 this subsection, the Administrator, after consultation
15 with and obtaining relevant industrywide data from
16 the States, environmental and consumer groups, and
17 organizations representing rechargeable battery
18 manufacturers, rechargeable consumer product man-
19 ufacturers, and retailers, and after conducting a
20 public hearing and considering public comment, shall
21 submit to Congress a report that provides the infor-
22 mation specified in paragraph (2). In collecting in-
23 formation for the report, the Administrator shall co-
24 ordinate with such States, environmental and
25 consumer groups, and organizations to minimize the

1 frequency and scope of any reporting requirements
2 associated with the manufacture, sale, or collection
3 of regulated batteries.

4 “(2) CONTENT OF REPORT.—The report de-
5 scribed in paragraph (1) shall include each of the
6 following:

7 “(A) A review of the activities carried out
8 by the entities listed in paragraph (1) with re-
9 spect to the labeling, collection, transportation,
10 recycling, and disposal of regulated batteries.

11 “(B) An estimate, for the period beginning
12 on the date of enactment of this subsection and
13 ending on the date of preparation of the report,
14 of the number of regulated batteries entering
15 the solid waste stream for disposal in inciner-
16 ators, landfills, and municipal solid waste
17 facilities.

18 “(C) A review of the recycling and rec-
19 lamation rates for regulated batteries.

20 “(D) A review of the availability of per-
21 mitted facilities sufficient to handle the current
22 and projected volume of used regulated bat-
23 teries, along with a complete evaluation of po-
24 tential regulatory impediments to management
25 options.

1 “(E) A list of entities involved in the pro-
2 duction and distribution of regulated batteries
3 or rechargeable consumer products and partici-
4 pating in programs for the collection of regu-
5 lated batteries.

6 “(F) A list of entities involved in the pro-
7 duction and distribution of regulated batteries
8 or rechargeable consumer products, excluding
9 retailers, that are not participating in programs
10 for the collection of regulated batteries. In for-
11 mulating the list, the Administrator shall not
12 require any participant to report the name of
13 any such nonparticipant. Prior to listing any
14 entity as such a nonparticipant, the Adminis-
15 trator shall determine that the entity should be
16 a participant, and independently verify with the
17 entity that the entity is not a participant.

18 “(3) FREQUENCY OF REPORT.—Not later than
19 2 years after publication of the report required in
20 paragraph (1), and every 2 years thereafter, the Ad-
21 ministrator shall issue a report that provides an up-
22 date of the information specified in paragraph (2).

23 “(f) LIMITATIONS ON THE SALE OF ALKALINE-MAN-
24 GANESE BATTERIES CONTAINING MERCURY.—No person
25 shall introduce into interstate commerce, offer for such in-

1 troduction, or offer for promotional purposes any alkaline-
2 manganese battery manufactured on or after January 1,
3 1996, with a mercury content that was intentionally intro-
4 duced (as distinguished from mercury that may be inci-
5 dentally present in other materials), except that the limita-
6 tion on mercury content in alkaline-manganese button cell
7 batteries shall be 25 milligrams of mercury per button cell
8 battery.

9 “(g) LIMITATIONS ON THE SALE OF ZINC CARBON
10 BATTERIES CONTAINING MERCURY.—No person shall in-
11 troduce into interstate commerce, offer for such introduc-
12 tion, or offer for promotional purposes any zinc carbon
13 battery manufactured on or after January 1, 1995, that
14 contains any mercury that was intentionally introduced as
15 described in subsection (f).

16 “(h) LIMITATIONS ON THE SALE OF BUTTON CELL
17 MERCURIC-OXIDE BATTERIES.—No person shall intro-
18 duce into interstate commerce, offer for such introduction,
19 or offer for promotional purposes any button cell mer-
20 curic-oxide battery on or after January 1, 1995.

21 “(i) LIMITATIONS ON THE SALE OF MERCURIC-
22 OXIDE BATTERIES.—No person shall introduce into inter-
23 state commerce, offer for such introduction, or offer for
24 promotional purposes any mercuric-oxide battery on or
25 after January 1, 1997.

1 “(j) INFORMATION DISSEMINATION.—In consultation
2 with representatives of rechargeable battery manufactur-
3 ers, rechargeable consumer product manufacturers, and
4 retailers, the Administrator shall establish a program to
5 provide information to the public concerning the proper
6 handling and disposal of used regulated batteries and used
7 rechargeable consumer products without easily removable
8 batteries.

9 “(k) ENFORCEMENT.—For the purposes of this sec-
10 tion:

11 “(1) Whenever on the basis of any information
12 the Administrator determines that any person has
13 violated or is in violation of any requirement of this
14 section, the Administrator may issue an order as-
15 sessing a civil penalty for any past or current viola-
16 tion, requiring compliance immediately or within a
17 reasonable specified time period, or both, or the Ad-
18 ministrator may commence a civil action in the
19 United States district court in the district in which
20 the violation occurred for appropriate relief, includ-
21 ing a temporary or permanent injunction.

22 “(2) Any order issued pursuant to this sub-
23 section shall state with reasonable specificity the na-
24 ture of the violation. Any penalty assessed in the
25 order shall not exceed \$10,000 for each such viola-

1 tion. In assessing such a penalty, the Administrator
2 shall take into account the seriousness of the viola-
3 tion and any good faith efforts to comply with appli-
4 cable requirements.

5 “(3) Any order issued under this subsection
6 shall become final unless, not later than 30 days
7 after the order is served, the person or persons
8 named in the order request a public hearing. If such
9 a request is made, the Administrator shall promptly
10 conduct a public hearing. In connection with any
11 proceeding under this subsection, the Administrator
12 may issue subpoenas for the attendance and testi-
13 mony of witnesses and the production of relevant pa-
14 pers, books, and documents.

15 “(4) If a violator fails to take corrective action
16 within the time period specified in a compliance
17 order issued under this subsection, the Adminis-
18 trator may assess a civil penalty of not more than
19 \$10,000 for the continued noncompliance with the
20 order.

21 “(5) This section shall be enforced only pursu-
22 ant to this subsection, notwithstanding the provi-
23 sions of title I.

24 “(l) INFORMATION GATHERING AND ACCESS.—For
25 the purposes of this section:

1 “(1) Any person who is required to comply with
2 this section, including—

3 “(A) a regulated battery manufacturer;

4 “(B) a rechargeable consumer product
5 manufacturer;

6 “(C) a mercury-containing battery manu-
7 facturer; and

8 “(D) an authorized agent of a manufac-
9 turer described in subparagraph (A), (B), or
10 (C);

11 shall establish and maintain such records and report
12 such information as the Administrator may by rule
13 reasonably require to carry out this section.

14 “(2) The Administrator, or an authorized rep-
15 resentative of the Administrator upon presentation
16 of credentials, may at reasonable times have access
17 to and copy any records required to be maintained
18 under paragraph (1).

19 “(3) The Administrator shall maintain the con-
20 fidentiality of such records or information main-
21 tained or reported under this subsection as contain
22 proprietary information.

23 “(m) STATE AUTHORITY.—Except as provided in
24 subsection (b)(6), or as provided in subsection (c), (relat-
25 ing to requirements and the labeling of rechargeable bat-

1 teries, battery packs, or rechargeable consumer products
2 or packages containing the products), nothing in this sec-
3 tion shall be construed so as to prohibit a State from en-
4 acting and enforcing a standard or requirement that is
5 more stringent than a standard or requirement established
6 or promulgated under this section.

7 “(n) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated such sums as are nec-
9 essary to carry out this section.”.

10 **SEC. 107. STUDY OF LEAD IN USED OIL.**

11 (a) STUDY OF LEAD IN USED OIL.—

12 (1) IN GENERAL.—Not later than 18 months
13 after the date of enactment of this subsection, the
14 Administrator shall conduct a study concerning the
15 effects on the environment and public health of
16 burning used oil.

17 (2) REPORT.—On the completion of the study,
18 the Administrator shall submit a report to Congress
19 on the results of the study.

20 (3) CONTENTS OF STUDY.—The study shall in-
21 clude an assessment of—

22 (A) the volume of lead in used oil released
23 into the environment, and the sources of the
24 lead contaminants;

1 (B) the impact of a variety of approaches
2 to regulation of used oil recycling facilities; and

3 (C) such other information as the Adminis-
4 trator determines to be appropriate regarding
5 disposal practices of lead in used oil in use at
6 the time of the study and alternatives to the
7 practices, including the manner in which any
8 detrimental effects on the environment or public
9 health (or both) can be reduced or eliminated
10 by the reduction of lead as a constituent of
11 used oil.

12 (b) COORDINATOR FOR LEAD ACTIVITIES.—Not later
13 than 30 days after the date of enactment of this sub-
14 section, the Administrator shall appoint, from among the
15 employees of the Environmental Protection Agency, a Co-
16 ordinator for Lead Activities to coordinate the activities
17 conducted by the Agency (or in conjunction with the Agen-
18 cy) relating to the prevention of lead poisoning, the reduc-
19 tion of lead exposure, and lead abatement.”.

20 **SEC. 108. CONFORMING AMENDMENTS.**

21 (a) CROSS-REFERENCES.—

22 (1) PENALTIES.—Section 16 (15 U.S.C. 2615)
23 is amended by striking “409” each place it appears
24 and inserting “418”.

1 (2) SPECIFIC ENFORCEMENT AND SEIZURE.—
2 Section 17(a)(1)(A) (15 U.S.C. 2616(a)(1)(A)) is
3 amended by striking “409” and inserting “418”.

4 (3) AUTHORIZED STATE PROGRAMS.—Section
5 413, as redesignated by section 101(a), is amend-
6 ed—

7 (A) by striking “402 or 406” each place it
8 appears and inserting “411 or 415”; and

9 (B) in subsection (d), by striking “402”
10 and inserting “411”.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—In sec-
12 tion 421, as redesignated by section 101(a) of this Act,
13 by striking “There are authorized to be appropriated to
14 carry out the purposes of this title” and inserting “There
15 are authorized to be appropriated to carry out this title
16 (other than sections 403 through 410)”.

17 (c) REFERENCES IN OTHER ACTS.—

18 (1) Section 302(a)(1)(A) of the Lead-Based
19 Paint Poisoning Prevention Act (42 U.S.C.
20 4822(a)(1)(A)) is amended by striking “406” and
21 inserting “415”.

22 (2) Section 1011 of the Residential Lead-Based
23 Paint Hazard Reduction Act of 1992 (42 U.S.C.
24 4852) is amended—

1 (A) in subsections (e)(5), (g)(1), and (n),
 2 by striking “402” and inserting “411”; and

3 (B) in subsection (n), by striking “404”
 4 and inserting “413”.

5 (3) Section 1018(a)(1)(A) of the Residential
 6 Lead-Based Paint Hazard Reduction Act of 1992
 7 (42 U.S.C. 4852d(a)(1)(A)) is amended by striking
 8 “406” and inserting “415”.

9 **SEC. 111. AMENDMENT TO TABLE OF CONTENTS.**

10 The table of contents in section 1 of the Act (15
 11 U.S.C. 2601 et seq.) is amended by striking the items re-
 12 lating to title IV and inserting the following new items:

“TITLE IV—LEAD EXPOSURE REDUCTION

- “Sec. 401. Findings and policy.
- “Sec. 402. Definitions.
- “Sec. 403. Restrictions on continuing uses of certain lead-containing products.
- “Sec. 404. Inventory of lead-containing products and new use notification procedures.
- “Sec. 405. Product labeling.
- “Sec. 406. Recycling of lead-acid batteries.
- “Sec. 407. Mercury-containing and rechargeable battery management.
- “Sec. 408. Lead contamination in schools and day care facilities.
- “Sec. 409. Blood-lead and other abatement and measurement programs.
- “Sec. 410. Establishment of National Centers for the Prevention of Lead Poisoning.
- “Sec. 411. Lead-based paint activities training and certification.
- “Sec. 412. Identification of dangerous levels of lead.
- “Sec. 413. Authorized State programs.
- “Sec. 414. Lead abatement and measurement.
- “Sec. 415. Lead hazard information pamphlet.
- “Sec. 416. Regulations.
- “Sec. 417. Control of lead-based paint hazards at Federal facilities.
- “Sec. 418. Prohibited acts.
- “Sec. 419. Relationship to other Federal law.
- “Sec. 420. General provisions relating to administrative proceedings.
- “Sec. 421. Authorization of appropriations.”.

1 **TITLE II—MISCELLANEOUS**

2 **SEC. 201. NON-INTERFERENCE.**

3 Nothing in this Act shall interfere with the promulga-
4 tion of regulations required pursuant to the Residential
5 Lead-Based Paint Hazard Reduction Act of 1992 (106
6 Stat. 3897).

7 **SEC. 202. SENSE OF THE CONGRESS CONCERNING LEAD**
8 **FISHING SINKERS.**

9 (a) FINDINGS.—

10 (1) on March 9, 1994 the EPA promulgated a
11 rule to ban the manufacture and sale of lead, zinc,
12 and brass fishing sinkers,

13 (2) the proposed rule was developed in response
14 to a Toxic Substances Control Act petition request-
15 ing that EPA label, not ban, lead fishing sinkers,

16 (3) EPA states in the proposed rule, “In addi-
17 tion, an accurate number of waterbirds that could
18 receive a lethal dose of lead or zinc from fishing
19 sinkers, or the probability of consuming a lethal
20 dose, cannot be estimated,

21 (4) no one has studied the effectiveness of fish-
22 ing sinkers manufactured from lead-substitute mate-
23 rials which can cost eight to ten times as much and
24 have physical or chemical limitations,

1 (5) a ban on lead fishing sinkers would put
2 small fishing tackle manufacturers at a competitive
3 disadvantage to major fishing tackle manufacturers
4 who can afford to retool and produce fishing sinkers
5 with lead-substitute materials,

6 (6) a ban on home manufacturing of lead fish-
7 ing sinkers would affect up to 1,600,000 anglers
8 who make their own sinkers in basements and ga-
9 rages, and

10 (7) EPA has commented that a ban on lead
11 fishing sinkers could eventually be expanded to all
12 lead-containing fishing tackle, including lures.

13 (b) SENSE OF CONGRESS.—It is the sense of the
14 Congress that the Administrator should finalize no rule
15 or regulation which requires a nationwide prohibition of
16 the manufacture, sale, or use of fishing sinkers, jigs, or
17 lures containing lead, brass, or zinc, until such time as
18 the Administrator gives priority consideration to alter-
19 native means of reducing the risk to waterfowl from lead
20 fishing sinkers, including labeling, public education, and
21 State or regional limits.

1 **TITLE III—AUTHORIZATION OF**
 2 **APPROPRIATIONS**

3 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to carry out
 5 this Act and the amendments made by this Act (other
 6 than sections 407 and 408 of the Toxic Substances Con-
 7 trol Act, as added by this Act)—

- 8 (1) \$25,000,000 for fiscal year 1995;
 9 (2) \$24,000,000 for fiscal year 1996;
 10 (3) \$24,000,000 for fiscal year 1997; and
 11 (4) \$22,000,000 for fiscal year 1998.



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